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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CALIFORNIA LIFE SCIENCES
ASSOCIATION, *et al.*,

Plaintiffs,

v.

CENTER FOR MEDICARE AND
MEDICAID SERVICES, *et al.*,

Defendants.

Civil Action No. 3:20-cv-08603-VC

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report pursuant to the Court's April 26, 2021 Order. *See* ECF No. 56. This action challenges an interim final rule published by the Centers for Medicare & Medicaid Services (CMS) on November 27, 2020. *See* Most Favored Nation (MFN) Model, 85 Fed. Reg. 76, 180 (Nov. 27, 2020) ("MFN Interim Final Rule"). On December 28, 2020, this Court preliminarily enjoined Defendants from implementing the MFN Interim Final Rule pending completion of notice and comment procedures under the Administrative Procedure Act. *See* Order, ECF No. 50. On January 8, 2021, the Solicitor General determined not to appeal the preliminary injunction issued in this case. On January 19, 2021, at the parties' request, the Court stayed this case until at least April 23, 2021. On April 26, 2021, at the parties' request, the Court extended the stay in this case with a Joint Status Report due by July 26, 2021.

Consistent with this Court's preliminary injunction, CMS has not implemented the MFN Interim Final Rule, and it is not currently in effect. At present, CMS is considering publishing an NPRM related to the MFN Interim Final Rule. Because such an action is likely to affect the trajectory of this litigation, the parties request that the stay remain in place at this time. The parties also propose to submit another Joint Status Report in sixty days; in that Joint Status Report, the parties will indicate

whether (i) the stay should remain in place; (ii) the stay should be lifted and the case litigated; or (iii) the case should be dismissed.

Dated: July 26, 2021

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Respectfully submitted,

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DECLARATION PURSUANT TO LOCAL RULE 5-1(i)(3)

Pursuant to Local Rule 5-1(i)(3), the undersigned filer declares that concurrence in the filing of this document has been obtained from the other signatory to this document.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of July, 2021.

/s/ Alexandra R. Saslaw

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